

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1-20 remain in the application, with claims 10 and 20 having been amended. In claim 10 the means-plus-function elements have been amended to recite structural elements.

In Section 1 of the Detailed Action portion of the Office Action, claim 20 has been objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. To address this objection, claim 20 has been amended to specifically relate to the position of the thermal profile of the portion of the magnetic storage medium of claim 19. Thus claim 20 limits the subject matter of claim 19 by specifying a particular position of the maximum gradient of the thermal profile.

In Section 4 of the Detailed Action portion of the Office Action, claims 1-3, 6-12 and 15-18 have been rejected under 35 U.S.C. 103(a) as being obvious over Sendur et al. (US PAP No. 20040240327 A1) in view of Coffey et al (US PAP No. 20020192506 A1).

The Office Action states that a cited reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e).

The Office Action further states that this rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2). The same disqualification of references applies to other references cited with respect to other claims. Accordingly, the attorney of record submits the following Statement of Common Ownership.

Statement of Common Ownership

The undersigned attorney of record hereby states that the Application, Sendur et al. (US PAP No. 20040240327 A1), Challener et al. (US PAP No. 20040001394 A1) and McDaniel et al. (US PAP No. 20030128452 A1) were, at the time

the invention was made, owned by (or subject to an obligation of assignment to) Seagate Technology LLC.

The rejection of claims 1-3, 6-12 and 15-18 is traversed. In view of the common ownership (or obligation of assignment to a common owner) of the Applicants' invention and Sendur et al. (US PAP No. 20040240327 A1) at the time the invention was made, the Applicants respectfully submit that Sendur et al. is disqualified under 35 U.S.C. 103(c) as prior art in the rejection of claims 1-3, 6-12 and 15-18 under 35 U.S.C. 103(a).

In Section 5 of the Detailed Action portion of the Office Action, claims 4-5 and 13-14 have been rejected under 35 U.S.C. 103(a) as being obvious over Sendur et al. (US PAP No. 20040240327 A1) in view of Coffey et al. (US PAP No. 20020192506 A1) and further in view of Challener et al. (US PAP No. 20040001394 A1).

The Office Action states that the applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e).

As stated in the Office Action, this rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a).

The rejection of claims 4-5 and 13-14 is traversed. In view of the common ownership (or obligation of assignment to a common owner) of the Applicants' invention, Sendur et al. (US PAP No. 20040240327 A1), and Challener et al. (US PAP No. 20040001394 A1) at the time the invention was made, the Applicants respectfully submit that Sendur et al. and Challener et al. are disqualified under 35 U.S.C. 103(c) as prior art in the rejection of claims 4-5 and 13-14 under 35 U.S.C. 103(a).

In Section 6 of the Detailed Action portion of the Office Action, claims 19-20 have been rejected under 35 U.S.C. 103(a) as being obvious over McDaniel et al. (US PAP No. 20030128452 A1) in view of Coffey et al. (US PAP No. 20020192506 A1).

The Office Action states that an applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e).

As stated in the Office Action, this rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a).

The rejection of claims 19-20 is traversed. In view of the common ownership (or obligation of assignment to a common owner) of the Applicants' invention and McDaniel et al. (US PAP No. 20030128452 A1) at the time the invention was made, the Applicants respectfully submit that McDaniel et al. is disqualified under 35 U.S.C. 103(c) as prior art in the rejection of claims 19-20 under 35 U.S.C. 103(a).

All claims in the application are believed to be in allowable form. Allowance of the application is requested.

Respectfully submitted,

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